

REMARKS

This amendment is responsive to the Office Action dated November 21, 2005. Applicant has cancelled claims 1-4 and amended claims 5, 6, 9, 31 and 35. Claims 13-30 and 39 are currently withdrawn as being directed to non-elected subject matter. Claims 5-12 and 31-38 are pending.

Claim Rejections Under 35 U.S.C. § 103

In the Office Action, the Examiner rejected claims 1-2 under 35 U.S.C. 103(a) as being unpatentable over Katoh (USPN 5,754,682) (hereinafter "Katoh") in view of Holub et al. (USPN 6,459,425) (hereinafter "Holub"). The Examiner also rejected claim(s) 3-12 and 31-38 under 35 U.S.C. 103(a) as being unpatentable over Katoh in view of Holub and further in view of Gindele et al. (USPN 6,594,388) (hereinafter Gindele). Applicant respectfully traverses these rejections to the extent such rejections may be considered applicable to the claims as amended. The applied references fail to disclose or suggest the inventions defined by Applicant's amended claims, and provide no teaching that would have suggested the desirability of modification to arrive at the claimed invention.

Claims 1-4 have been cancelled. Claim 5, as amended, is now an independent claim. Applicant will therefore address the above-mentioned rejections with respect to independent claims 5 and 31 as amended.

Independent claim 5 requires determining groups of chromaticity corrections, each group corresponding to a different region of color. The groups of chromaticity corrections are determined in a linear device-dependent coordinate space associated with an output device. Each group of chromaticity corrections is applied to device-independent coordinates throughout the corresponding region of color to produce chromatically corrected device-independent coordinates. Independent claim 31 includes similar limitations in computer-readable medium claim format.

Claims 5 and 31 recite several features which are not taught, disclosed or suggested by Katoh. In fact, Katoh is directed at correcting entirely different soft-proofing phenomena than the problem addressed by the presently claimed invention. As a result, the techniques taught by Katoh are entirely different than those recited in Applicant's independent claims 5 and 31.

For example, claims 5 and 31 require determining groups of chromaticity corrections, each group corresponding to a different region of color. Katoh, by contrast, does not determine groups of chromaticity corrections, each group corresponding to a different region

of color. Rather, Katoh is directed at techniques for correcting the difference in perceived colors when the illuminant conditions of the display and the hard copy are not the same. To correct for these perceived differences, Katoh describes a correction of the contrast of the soft copy picture, a correction for chromatic adaptation by weighting responsive to the luminance of the ambient light, and a correction for the so-called Hunt effect (see, e.g., Katoh, col. lines 17-24). These corrections are applied globally across the entire color spectrum. For example, Katoh's so-called "correction coefficients" P_L , P_M and P_S are applied globally throughout LMS space to correct for the perceived difference in the white point between the soft copy and hard copy images (see, e.g., Katoh, col. 10, line 38 to col. 11, line 17). Applicant respectfully submits that these global corrections taught by Katoh cannot be properly compared to the determined groups of chromaticity corrections wherein each group corresponds to a different region of color as required by claims 5 and 31.

Claims 5 and 31 also require that the chromaticity corrections are determined in a linear device-dependent coordinate space associated with an output device. The corrections described by Katoh, by contrast, are determined with respect to device-independent coordinates, such as LMS or XYZ (see, for example, see Katoh col. 11, eq. (6), Katoh at col. 11, eq. (7), col. 12 lines 5-25, and col. 13, lines 25-65). None of the corrections described by Katoh use device-dependent inputs. Furthermore, nowhere in Katoh is it disclosed or suggested that corrections of any kind, much less chromaticity corrections (which are not the subject of Katoh in the first place) could or should be determined in a linear device-dependent coordinate space as required by claims 5 and 31.

Claims 5 and 31 further require that each group of chromaticity corrections is applied to device-independent coordinates throughout the corresponding region of color. This is again in direct contrast to Katoh, where the corrections are applied via global transforms throughout the entire color space, as opposed to individual chromaticity corrections, each of which is applied only throughout its corresponding region of color as recited by claims 5 and 31.

Thus it can be seen that independent claims 5 and 31 include several limitations which are not taught or suggested by the Katoh reference. Furthermore, since Katoh is directed at an entirely different problem in the soft-proofing environment than the techniques of Applicant's invention, one of skill in the art would have no motivation to look to Katoh for a solution to the particular problem addressed by Applicant's claims. Moreover, Katoh includes no

suggestions whatsoever for the particular solution to that problem solved by Applicant's invention as defined by claims 5 and 31.

The other references cited by the Examiner are similarly insufficient to support a rejection of Applicant's claims, either alone or in combination with Katoh. For example, Holub at col. 38, line 22 simply teaches a piecewise linear scaling function which allows mapping of lightness (illumination) between one system and another. Holub has absolutely nothing to do with determining and applying chromaticity corrections to corresponding regions of color, as are the techniques recited in Applicant's claims. Thus, even if Katoh and Holub were combined, the combined teachings would not result in Applicant's invention as claimed.

Similarly, the techniques disclosed by Gindele refer to selective color corrections in a generalized way, but not in a linear device-dependent coordinate space as recited in Applicant's independent claims 5 and 31.

Claims 6-12 and 32-38 are dependent upon claims 5 and 31, respectively, and are therefore patentable for at least the same reasons as claims 5 and 31 as discussed above.

It is well established that the Examiner bears the burden of establishing a prima facie case of obviousness. In doing so, the Examiner must determine whether the prior art provides a teaching or suggestion to one of ordinary skill in the art to make the changes that would produce the claimed invention. A prima facie case of obviousness is established only when this burden is met. Unless the Examiner can establish an evidentiary record based on concrete prior art references that establish that it would have been obvious to a person with ordinary skill in the art to incorporate the features of Applicant's dependent claims, the claims should be allowed.

For at least these reasons, the Examiner has failed to establish a prima facie case for non-patentability of Applicant's claims under 35 U.S.C. 103(a). Applicant therefore respectfully requests that the rejections of claims 5-12 and 31-38 under 35 U.S.C. 103(a) be withdrawn.

CONCLUSION

All claims in this application are in condition for allowance. Applicant respectfully requests reconsideration and prompt allowance of all pending claims. Please charge any additional fees or credit any overpayment to deposit account number 05-0225. The Examiner is invited to telephone the below-signed attorney to discuss this application.

Respectfully submitted,

A handwritten signature in cursive script, reading "Mark G. Bocchetti", written in dark ink.

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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656